



PLANNING COMMISSION STAFF REPORT

PLANNING COMMISSION HEARING JUNE 17, 2009
Agenda Item #10

Project # 07-079

Request: A General Plan Amendment from Agriculture, 20-acre minimums to Industrial, a rezone from AG (General Agricultural) District to M-1-PD (Light Industrial, Planned Development) District and design review to allow a variety of light industrial uses on a 9.16-acre property formerly used as an agricultural weighing and grading station.

Location: Northwest corner of the intersection of Carlson Road and Anderson Lane at 5225 Carlson Road; Assessor's Parcel No. 23-140-084.

Planner: Doug Libby, AICP, Principal Planner

Zoning Code Designation: AG (General Agricultural) District

General Plan Designation: AG-20 (Agriculture, 20-acre minimum)

Applicant/Owner: Diljit Bains

Staff Recommendation

Denial of Project #07-079 to the Board of Supervisors for a General Plan Amendment from Agriculture, 20-acre minimums to Industrial, a rezone from AG (General Agricultural) District to M-1 PD (Light Industrial, Combining Planned Development) District to allow a variety of light industrial uses on a 9.16-acre property formerly used as an agricultural weighing and grading station at 5225 Carlson Road.

Setting

The site is located 3.2 miles south of the Yuba City incorporated limits and sphere of influence. The property is adjoined by predominantly agricultural uses including peach, walnut, prune and almond orchards. Single family homes adjoin the site to the north and south together with various agricultural storage buildings and dilapidated farm labor housing immediately to the south. Historically, the property was used as an agricultural weighing and grading station, but that use ceased approximately 6-years ago.

Adjacent land uses, zoning and General Plan designations for the surrounding properties are summarized below.

	Land Use	Zoning Designation	General Plan Designation
Site	Abandoned agricultural weighing and grading station	AG (General Agricultural) District	AG-20 (Agriculture, 20-acre minimum)
North	Residential and orchards	AG	AG-20
South	Residential/abandoned farm labor housing/orchard	AG	AG-20
East	Orchard	AG	AG-20
West	orchard	AG	AG-20

Previous Actions

This project was originally processed using the County’s “quick-denial” process due to the project’s location in an area not contemplated for urban development by the General Plan. On May 21, 2008, the Planning Commission recommended denial of this application by a 5-0 vote (two members absent) to the Board of Supervisors. On July 1, 2008, the Board of Supervisors considered the proposal and directed staff to process the application because the Board desired to consider the project further. Direction was provided by the Board (4-1 vote) to staff to process this application and prepare the necessary environmental documentation and conditions of approval.

Analysis

The project includes a General Plan Amendment from Agriculture, 20-acre minimums to Industrial, a rezone from General Agricultural (AG) to Light Industrial Planned Development (M-1-PD) to allow a variety of light industrial uses on a 9.16-acre property formerly used as an agricultural weighing and grading station at the northwest corner of the intersection of Anderson Lane and Carlson Road at 5225 Carlson Road. Uses specified by the applicant that could occur on the property include:

- Agricultural manufacturing
- Bulk product storage
- Cabinet shop and woodworking shops
- Commercial agricultural processing plants
- Construction and materials yards
- Contractors yard
- Food processing operation
- Indoor assembly, processing, fabricating, treatment, manufacturing, repairing or packaging of goods that do not create noise, dust, odor, smoke, bright light, or involve the handling of explosives or inflammable materials as a primary use, or otherwise creates offensive conditions at the property line.
- Machine and sheet metal shops
- Mini-warehouses
- Offices and other ancillary facilities that area a part of and clearly subordinate to the principal use as listed herein and located on the same site.

- Repair, servicing and storage of agricultural equipment
- Research and development laboratory
- Storage warehouse
- Truck terminal (limits may be set on the number of trucks allowed onsite)
- Warehouse storage for grains and other farm products
- Weighing and grading stations
- Welding shop
- Wireless communication facilities
- Wholesale nurseries and greenhouse for the propagation of plants

There is currently no identified user for the site.

On November 12, 2007, as part of the General Plan update process, a moratorium prohibiting processing of General Plan amendments, rezones, and specific plans became effective. This project is being heard before the Planning Commission because it was submitted and deemed complete for processing before the moratorium became effective.

General Plan Amendment

The project will amend the General Plan designation on 9.16 acres from AG-20 to Industrial. The property is located outside the spheres of influence of Live Oak, Yuba City and the County's rural communities. Surrounding properties are predominantly developed agriculturally as orchard with at least four proximate single family dwellings.

Although the 9.16-acre conversion of agricultural land to industrial seems a minimal land use change, the General Plan does not envision urban development on this property or in the area. This request could be seen as encouraging "leapfrog" development of urban uses into an agricultural area since the property is located 3.2 miles south of the Yuba City incorporated limits and sphere of influence boundary.

The General Plan defines "urban" development as areas generally characterized by moderate and higher density residential development (e.g., 8 or more dwelling units per acre), commercial development **and industrial development**. (Emphasis added) As a result, this project meets the definition of "urban" development defined by the General Plan.

In addition, the General Plan defines "Urban Sprawl" as:

"Urban Development that occurs in an unplanned, haphazard manner that typically results in a development pattern that does not occur adjacent to existing urban development. New independent methods of providing services are often utilized rather than relying on the orderly extension of established services and facilities."

This project is isolated from existing urban development in an agricultural area and proposes to be served by private infrastructure (sewer, water, drainage and street lighting) so it appears this project meets the definition of urban sprawl.

The following General Plan land use policies are applicable to the project:

Agricultural Policies

Policy 6.A-1 states the County shall preserve agriculturally-designated areas for agricultural uses and direct nonagricultural development to areas designated for urban/suburban growth, or rural communities and/or cities.

Policy 6.A-2 states the County shall balance the needs of proposed urban and suburban development with the need to preserve agricultural lands.

Commercial and Industrial Policies

Policy 1.D-1 states the County shall designate specific areas suitable for commercial and industrial development and reserve such lands in a range of parcel sizes to accommodate a variety of commercial and industrial uses.

General Land Use Policies

Policy 1.B-1 states the County shall encourage development in the cities of Yuba City and Live Oak and annexation of existing County islands within the cities.

Policy 1.B-2 states in the Yuba City area, the sphere of influence adopted as of April 25, 1990 shall serve as the boundary for urban development, particularly residential urban development.

Policy 1.B-4 states in part that development should be directed to the west, away from the Feather River and the prime agricultural lands that run parallel to it.

Economic Development Policy

Policy 1.I-1 states the County shall work to preserve and expand business and employment opportunities within Sutter County.

Due to the project meeting the General Plan definition of urban sprawl, staff continues to recommend denial of the proposed General Plan Amendment; however, on July 1, 2008, the Board of Supervisors determined they wished to consider this project further and directed staff to process this application because the project is consistent with the General Plan, in that the land use proposed is consistent with an Industrial designation and the project is a renovation of a blighted agricultural development.

Rezoning

This project will rezone the property from AG to Light Industrial Planned Development (M-1-PD). A rezone is required to be consistent with the General Plan land use designation on the property. A Planned Development designation is attached to the

project to limit the use of the property to only those uses proposed and can allow the County to implement its urban type development standards.

Staff continues to recommend denial of the rezone in conjunction with its recommendation to deny the General Plan amendment; however, on July 1, 2008, the Board of Supervisors determined they wished to consider this project further and directed staff to process this application because the project is consistent with the General Plan in that the land use proposed is consistent with an Industrial designation and the project is a renovation of a blighted agricultural development.

Design Review

Section 1500-8512(b)(1) of the Zoning Code States:

“When a project requires a rezoning or planned development approval the design review will be approved by the Board of Supervisors as part of the overall project review. The Board will consider recommendations from staff and the Planning Commission in its decision. The adopted Design Guidelines and any other established standards shall provide the basis for final approvals.”

This project involves a request for rezone and planned development. An application for design review, demonstrating compliance with the Ordinance, for the current project has not been submitted. The project’s representative informed staff that since there is no specific user in mind at this time that design review should be deferred until a specific end user is identified.

On July 1, 2008, in its consideration of the project, the Board of Supervisors appeared to concur with the applicant’s request that design review be deferred until the building permit stage of development. Since no design review materials were submitted for the current request, staff has no recommendation for the design review portion of the application.

Environmental Analysis

An Initial Study was prepared for this project in accordance with the California Environmental Quality Act and the Guidelines. The study determined the project, as proposed, could have a significant impact on the environment; however, mitigation measures have been included in the project and agreed to by the applicant which reduces possible impacts to a less than significant level. Therefore, staff recommends the Commission adopt the attached Mitigated Negative Declaration and Mitigation Monitoring Program.

Aesthetics

Mitigation Measure 1 requires the applicant to comply with the County’s urban development standards and Design Guidelines for the project including but not limited to structural, parking lot and access design, landscaping, lighting, screening and shading

requirements. The applicant has agreed to comply with this mitigation measure which has been incorporated into the project.

Air Quality

The Feather River Air Quality Management District (FRAQMD) reviewed the project and determined that proposed uses may utilize equipment and/or processes that emit regulated pollutants including the Agricultural Processing Facilities, Woodworking Shops, and Wireless Communication Facilities. These facilities would be required to apply for an authority to construct and/or permit to operate from the District. The District recommended the implementation of their standard construction emission mitigation measures at the time of development to reduce potential impacts to a less than significant level. The applicant has agreed to comply with this mitigation measure which has been incorporated into the project.

Noise

The M-1 District states this classification is intended to provide suitable areas for low intensity assembly, processing or manufacturing activities, product distribution, and related activities, all of which do not create nuisance or otherwise unacceptable levels of noise, dust, odor, smoke, bright light or vibration in order to provide for the general welfare. This district is consistent with the Industrial General Plan land use designation.

The types of uses proposed are listed as permitted activities in the M-1 District so they are not anticipated to create nuisance or unacceptable levels of noise. The closest home adjoins the property to the north (5119 Carlson Road; Assessor's Parcel 23-140-144) and is approximately 22-feet north of an existing fence separating the two parcels. A second dwelling is located approximately 380-feet south of the project (5301 Carlson Road; Assessor's Parcel 23-140-116). The next proximate dwelling is located approximately 480-feet northeasterly of the project site along the east side of Carlson Road (5028 Carlson Road; Assessor's Parcel 23-140-187). Orchard uses surround the property together with several abandoned farm labor housing units to the south. Noise impacts of a particular use could have an affect upon the home located at 5119 Carlson Road. To address potential impacts, hours of operation have been limited to 6am to 10pm Monday through Saturday. In addition, truck parking will be setback a minimum of 200-feet from the north property line and structures along the northern boundary will be designed to provide a structural buffer between the existing home and development activities. The applicant has agreed to comply with these mitigation measures which have been incorporated into the project.

Traffic

A traffic analysis was completed for the proposed project that determined that under a worst-case scenario of project development from a traffic perspective, the project could generate a maximum of 538 average daily trips (ADT) with an estimated 64 AM peak hour and 65 PM peak hour trips. It is estimated that Carlson Road has a 2008 ADT of 932 vehicles and this is considered to be a Level of Service (LOS) of "A" which is defined as having free and stable traffic flows. The addition of 538 vehicles would result

in a total potential ADT of 1,470 vehicles. This is well below the 2,400 ADT threshold used to characterize LOS "A" conditions.

In addition, the project's impact upon other roadways in the vicinity was analyzed including Oswald, Hutchinson and O'Banion roads. The traffic analysis indicates all of these roads will continue to function at an LOS of "A".

A potential impact was identified at the intersection of Hutchinson and Carlson Roads because it is likely the rear wheels of trucks with trailers turning from the east leg of Hutchinson Road onto Carlson Road would leave the pavement. Alternatively, large trucks would have to move into opposing travel lanes in order to make this turn and would represent a potential safety issue. The applicant has offered to prohibit truck trips from using Hutchinson Road in order to eliminate this potential safety issue. The applicant has agreed to comply with this mitigation measure which has been incorporated into the project.

Findings for Recommending Approval

Based upon information contained in this staff report and/or testimony received at the public hearing, staff recommends the following findings should the Planning Commission determine to recommend approval of this project to the Board of Supervisors:

CEQA

1. In accordance with the California Environmental Quality Act and the Guidelines, an Initial Study was prepared to analyze the potential impacts of the proposed project. The study determined the project could have a significant impact on the environment; however, with the mitigation measures identified in the Initial Study and agreed to by the applicant, all potential impacts would be reduced to a level of less than significant. No written comments have been received which present evidence the project will have a significant impact on the environment. Therefore, the proposed Mitigated Negative Declaration and Monitoring Program attached to this staff report are adequate under CEQA.
2. The Planning Commission has reviewed, analyzed, and considered the Initial Study and Mitigated Negative Declaration prior to making its recommendation on the project and finds the Mitigated Negative Declaration reflects the independent judgment of the County of Sutter and has been prepared in accordance with CEQA.

General Plan

The Planning Commission adopts the Board of Supervisors previous determinations that the project is consistent with the General Plan, in that the land use being proposed is consistent with an Industrial designation, the project is a renovation of a blighted agricultural development and provides a needed facility for the community and will create jobs consistent with Policies 1.D-1 and 1.I-1.

Rezoning

The proposed rezoning to an M-1-PD District is consistent with the proposed General Plan designation of Industrial based upon Table 3 (on page 9) of the General Plan Policy Document which lists the M-1 District as a consistent zoning classification with an “Industrial” land use designation.

Findings for Recommending Denial

Based on information contained in this staff report and/or testimony received at the public hearing, staff recommends the following findings:

CEQA

California Environmental Quality Act states that CEQA does not apply to projects which an agency rejects or disapproves.

Rezoning

The rezoning to Light Industrial Planned Development (M-1-PD) is not consistent with the existing Agriculture (80-acre minimum) General Plan designation of the property.

Recommended Action (For Approval)

Should the Planning Commission desire to recommend approval of this project to the Board of Supervisors, the following motions would be appropriate:

1. “I move the Planning Commission recommend approval of the proposed mitigated negative declaration prepared in accordance with the California Environmental Quality Act and the Guidelines together with the findings for approval contained in this staff report.”
2. “I move the Planning Commission recommend the Board of Supervisors approve Project #07-079; a General Plan Amendment from AG-80 (Agriculture, 80-acre minimums) to IND (Industrial), a rezone from AG (General Agricultural) District to M-1-PD (Light Industrial, Planned Development) District affecting 9.39 acres based on the findings for approval and conditions contained in this staff report.”

Recommended Action (For Denial)

Should the Planning Commission agree with staff’s recommendation, the following motions would be appropriate:

1. “I move the Planning Commission recommend the Board of Supervisors find the California Environmental Quality Act does not apply to a project that is denied.”
2. “I move the Planning Commission recommend the Board of Supervisors deny Planning Project #07-079; a General Plan Amendment from Agriculture, 80-acre

minimums to Industrial, a rezone from AG (General Agricultural) District to M-1-PD (Light Industrial Planned Development) District affecting 9.39 acres, based on the findings for denial contained in this staff report.”

Attachments

- A. Study Sketch and Aerial Photo
- B. Applicant’s Development Plan
- C. Mitigated Negative Declaration and Initial Study
- D. Indemnification Agreement

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Conditions of Approval
Project #07-079 – Diljit Bains

A General Plan Amendment and Rezone of 9.16 acres from Agriculture, 80-acre minimums and General Agricultural (AG) to Industrial and M-1-PD (Light Industrial Planned Development) District located at the northwest corner of the intersection of Carlson Road and Anderson Lane at 5225 Carlson Road.

1. Within 5 days of approval, the applicant shall enter into an indemnification agreement, included as an attachment to the June 17, 2009, Planning Commission staff report, to indemnify, defend and hold harmless Sutter County from any claim, action, or proceeding against it to attack, set aside, void, or annul the approval of this project or adoption of the environmental document that accompanies it. (P)
2. If use of the land as approved and depicted in the development plan has not commenced within five years after project approval (2014), the development plan shall expire and be null and void without further action by the County pursuant to Section 1500-6336 (a) of the Zoning Code. (P)
3. Allowed uses shall be limited to those as depicted on the March 30, 2009, development plan. (P)
4. A Notice of Determination shall be filed in the Office of the County Clerk within 5 days of approval. (P)
5. The applicant shall be responsible for paying any outstanding account balance. (P)
6. The property shall be developed, maintained, and used in substantial accord with the development plan, project description, and agenda report, except as may be amended by the conditions herein. (P)
7. Prior to the use of this site, a Certificate of Occupancy shall be obtained for all structures that have been established on the property without a building permit and this shall be completed to the satisfaction of the Building Division. (BD)
8. Within 90-days of the effective date of the zoning ordinance, the applicant shall dedicate sufficient rights of way and/or public utility easements as necessary to Sutter County to provide the specified one-half width for an Urban Collector of the following indicated roads (Sutter County Design Standards): (PW)

- Carlson Road 30.0' R/W + 12.5' P.U.E.
- Anderson Lane 20.0' R/W + 12.5' P.U.E.

9. Prior to the commencement of truck terminal operations, the applicant shall construct/reconstruct Carlson Road from Oswald Road to O'Banion Road, Oswald Road from Carlson Road to SR99 and O'Banion Road from Carlson Road to SR99 as necessary to support a minimum Traffic Index value of 9. Truck terminal use shall be limited to 30 truck trips or 60 trip-ends per day. The applicant shall provide to Public Works, an advisory truck route directional signage plan for trucks to use O'Banion and Oswald Roads. Once the plan is approved by Public Works, applicant shall acquire necessary permits and install in accordance with Sutter County Design Standards. (PW)
10. Prior to any use of the site, the applicant shall locate and setback the facility's entrance(s) to prevent encroachment into the opposing lane of travel (CVC 21650) and driveways shall meet separation requirements. Driveways shall be constructed to align with future frontage improvements. (PW)
11. Prior to the commencement of truck terminal operations, the applicant shall determine the geometric adequacy of all intersections of roads subject to road improvement consideration, to safely and legally accommodate truck-trailer combinations. The applicant shall construct/reconstruct all intersections found to be inadequate that cannot handle truck-trailer combinations in the operation of said facility (Sutter County Design Standards). Surface Transportation Assistance Act (STAA) trucks are not a permitted use of this project's facilities. (PW)
12. Prior to any use on the site, the applicant shall identify existing areas of impervious surfaces on the parcel and provide a grading/drainage plan that shows these impervious surfaces, structures, driveways, and drainage facilities, including elevations and drainage patterns. The grading/drainage plan must identify stormwater discharge locations where runoff leaves the property. (PW)
13. Prior to any trucking related uses occurring on the property, the applicant shall determine the geometric adequacy of all intersections of roads subject to road improvement consideration, to safely and legally accommodate truck-trailer combinations. Applicant shall construct/reconstruct all intersections found to be inadequate that cannot handle truck-trailer combinations in the operation of said facility (Sutter County Design Standards). Surface Transportation Assistance Act (STAA) trucks are not a permitted use of this project's facilities. (PW)
14. The applicant agrees to comply with the County's urban development standards and design guidelines for the project including but not limited to structural, parking lot and access design, landscaping, lighting, screening and shading requirements. (P) (MM)

Prior to Issuance of a Building Permit

15. The applicant shall submit for review and approval conditions, covenants and restrictions (CC&Rs) demonstrating how common areas including but not limited

- to landscaping and lighting areas, driveways and/or access ways, parking areas, drainage facilities, common leach field areas will be maintained. (P)
16. The applicant agrees to comply with the County's urban development standards and design guidelines for the project including but not limited to structural, parking lot and access design, landscaping, lighting, screening and shading requirements. (P) (MM)
 17. For each project proposed on this site, a landscape plan shall be prepared, submitted and approved by the Planning Division consistent with the mitigation measures agreed to by the applicant and all conditions of approval. As it is anticipated that multiple end users could develop individual projects on this site over time, landscape themes amongst and between individual development projects shall be consistent and compatible to ensure a continuous and harmonious development pattern across the site. (P)
 18. As it is anticipated that multiple end users could develop individual projects on this site over time, a coordinated sign program shall be developed to ensure a continuous and harmonious development occurs consistent with the Zoning Code and the County's Design Guidelines. The sign program shall consist of a design review application being filed depicting the location size, type and finish of perimeter signage to be used by multiple occupants. (P)
 19. For each project proposed on this site, a site lighting plan shall be prepared, submitted and approved by the Planning Division demonstrating that project lighting will not spill onto adjoining properties or rights of way. (P)
 20. A fire suppression water supply system shall be required to be installed as part of the project which may include fire sprinklers, water storage tanks and fire pumps/wells as may be required by the Fire Service's Division and the most current edition of the California Fire Code as adopted by Sutter County. Review of any proposed system(s) will occur at the time of building permit application for any development on the property. (FS)
 21. In addition to submittal plans and approval for new construction, a separate permit shall be required for a building code compliance inspection of existing unpermitted structures. Unpermitted structures must comply with building permit requirements or be removed from the property. (BD)
 22. Prior to permit issuance, submit to Sutter County Environmental Health complete construction plans and specifications for the project. (EH)
 23. A Deferred Improvement Agreement shall be required for construction of curb, gutter and sidewalk adjacent to and along the property frontage with Public Right of Way. Construction of improvements will be required when determined by the Director of Public Works. (PW)

24. a. Prior to the commencement of construction, the applicant, contractor, developer shall implement a Fugitive Dust Control Plan to the satisfaction of FRAQMD that will, at a minimum include the following elements: (FRAQMD) (MM)
1. All grading operations on a project should be suspended when winds exceed 20 miles per hour or when winds carry dust beyond the property line despite implementation of all feasible dust control measures.
 2. Construction sites shall be watered as directed by the Feather River Air Quality Management District (FRAQMD) and as necessary to prevent fugitive dust violations.
 3. An operational water truck should be onsite at all times. Apply water to control dust as needed to prevent visible emissions violations and offsite dust impacts.
 4. Onsite dirt piles or other stockpiled particulate matter should be covered, wind breaks installed, and water and/or soil stabilizers employed to reduce wind blown dust emissions. Incorporate the use of approved non-toxic soil stabilizers according to manufacturer's specifications to all inactive construction areas.
 5. All transfer processes involving a free fall of soil or other particulate matter shall be operated in such a manner as to minimize the free fall distance and fugitive dust emissions.
 6. Apply approved chemical soil stabilizers according to the manufacturers' specifications, to all-inactive construction areas (previously graded areas that remain inactive for 96 hours) including unpaved roads and employee/equipment parking areas.
 7. To prevent track-out, wheel washers should be installed where project vehicles and/or equipment exit onto paved streets from unpaved roads. Vehicles and/or equipment shall be washed prior to each trip. Alternatively, a gravel bed may be installed as appropriate at vehicle/equipment site exit points to effectively remove soil buildup on tires and tracks to prevent/diminish track-out.
 8. Paved streets shall be swept frequently (water sweeper with reclaimed water recommended; wet broom) as soil material has been carried onto adjacent paved public thoroughfares from the project site.
 9. Provide temporary traffic control as needed during all phases of construction to improve traffic flow, as deemed appropriate by the Public Works Department and/or Caltrans and to reduce vehicle dust emissions. An effective measure is to enforce vehicle traffic speeds at or below 15 miles per hour (mph).

10. Reduce traffic speeds on all unpaved surfaces to 15 mph or less and reduce unnecessary vehicle traffic by restricting access. Provide appropriate training, onsite enforcement, and signage.
 11. Reestablish ground cover on the construction site as soon as possible and prior to final occupancy, through seeding and watering.
 12. Disposal by burning: Open burning is yet another source of fugitive gas and particulate emissions and shall be prohibited at the project site. No open burning of vegetative waste (natural plant growth wastes) or other legal or illegal burn materials (trash, demolition debris, et. al.) may be conducted at the project site. Vegetative wastes should be chipped or delivered to waste to energy facilities (permitted biomass facilities), mulched, composted, or used for firewood. It is unlawful to haul waste materials offsite for disposal by open burning.
- b. Construction Equipment exhaust emissions shall not exceed FRAQMD Regulation III, Rule 3.0, Visible Emissions limitations (40 percent opacity or Ringelmann 2.0). Operators of vehicles and equipment found to exceed opacity limits shall take action to repair the equipment within 72 hours or remove the equipment from service. Failure to comply may result in a Notice of Violation.
 - c. The primary contractor shall be responsible to ensure that all construction equipment is properly tuned and maintained prior to and for the duration of onsite operation.
 - d. Minimize idling time to 5 minutes.
 - e. Utilize existing power sources (e.g., power poles) or clean fuel generators rather than temporary power generators.
 - f. Develop a traffic plan to minimize traffic flow interference from construction activities. The plan may include advance public notice of routing, use of public transportation, and satellite parking areas with a shuttle service. Schedule operations affecting traffic for off-peak hours. Minimize obstruction of through traffic lanes. Provide a flag person to guide traffic properly and ensure safety at construction sites.
 - g. Portable engines and portable engine-driven equipment units used at the project work site, with the exception of on-road and off-road motor vehicles, may require California Air Resources Board (ARB) Portable Equipment Registration with the State or local district permit. The owner/operator shall be responsible for arranging appropriate consultations with the ARB or the District to determine registration and permitting requirements prior to equipment operation at the site.

A copy of the approved Fugitive Dust Control Plan approved by FRAQMD shall be submitted to the Planning Division.

25. Prior to issuance of a building permit for development on the property, the property owner/applicant shall submit for review and approval to the Public Works Department a grading/drainage plan that includes elevations and drainage patterns and identifies both new and existing areas of impervious surfaces including but not limited to structures, driveways, and drainage facilities, The plan shall identify stormwater discharge locations where runoff will leave the property. (PW) (MM)
26. Prior to issuance of a building permit for development on the property, the property owner/applicant shall submit to the Public Works Department for review and approval a 10-year and 100-year (24-hour) analyses (hydrologic and hydraulic calculations) that at a minimum demonstrate that post-development flows do not exceed pre-development flows. The calculations shall be stamped by a California Registered Civil Engineer. If the drainage design includes on-site basins to reduce peak flows, County standards (Design Standards 5-9[B]) require hydrograph methods be used for design. (PW) (MM)
27. For grading activities of 1 acre or more, the property owner/applicant shall obtain a General Permit from the State Water Resources Control Board (SWRCB) by filing a Notice of Intent (application and instructions are available online at SWRCB website). The applicant will receive a WDID Permit number from the SWRCB within two weeks which needs to be submitted to the County of Sutter, Division of Water Resources at 1130 Civic Center Blvd along with a copy of the applicant's Stormwater Prevention Pollution Plan (SWPPP). Once reviewed and approved by the County, the applicant shall abide by all conditions of the WDID permit and SWPPP. (PW) (MM)
28. The parcel is within a Special Flood Hazard Area as designated by the FEMA Flood Insurance Rate Map Panel 600E. The Base Flood Elevation (BFE) has been determined to be 49.2 feet (NGVD 1929) based upon analysis by PBI Inc. New structures must have the lowest floor elevated (or must be flood proofed) to at least one foot above BFE. Construction drawings must include BFE and lowest floor elevations. If flood proofed, water-resistant materials, elevation of utilities & electrical/mechanical equipment must be shown on drawings. If wet flood proofed, a variance must be received from the Board of Supervisors. Liquid and/or gas storage tanks must be designed and installed in accordance with the County floodplain ordinance and FEMA 348, "Protecting Building Utilities from Flood Damage - Principles and Practices for the Design and Construction of Flood Resistant Building Utility Systems. (PW) (MM)
29. Prior to any use occurring on the property requiring the use of a septic system, an authorized professional shall design a non-residential on-site sewage system and shall certify that the proposed non-residential on-site sewage system meets Sutter County regulations and will adequately serve the proposed facility. The applicant shall have an authorized professional submit to the Environmental Health Division: (EH) (MM)
 - a. Information which shows that the sewage is not industrial wastewater;

- b. Information that establishes the sewage waste strength and identifies chemicals present in the sewage that are not found in residential sewage;
- c. A design that provides treatment equal to that required for residential sewage, and;
- d. An approved operation and maintenance contract between the system owner and qualified operation and maintenance provider (certified by the proprietor of the treatment unit), if applicable.

Prior to issuance of a Certificate of Occupancy

- 30. All access ways and required parking areas shall be improved with either four (4) inches of Class 2 aggregate base or seven (7) inches of Butte Rock base with a $\frac{3}{4}$ inch maximum grading requirement and such areas shall be paved with a minimum of two (2) inches of asphalt concrete with one-half ($\frac{1}{2}$) inch grading requirement. This condition shall not apply to truck terminal parking areas. (P)
- 31. Truck terminal parking areas shall be graveled and improved with a minimum of six (6) inches of either Class 2 aggregate base or eight (8) inches of Butte Rock base. All such parking spaces and access ways shall have a one-half ($\frac{1}{2}$) inch grading requirement. This condition shall not apply to access ways and parking spaces designed to serve structures serving the truck terminal use. (P)
- 32. Exterior pole lights shall not be taller than eighteen (18) feet. All exterior lighting shall be shielded to limit glare onto public right of way or adjoining properties. Security or parking lot lighting in landscaped areas shall be coordinated with the landscape plan to assure that vegetation growth will not interfere with the intended illumination. (P)
- 33. Vehicular parking areas shall be striped or otherwise marked to delineate the parking spaces and access ways along with bumper or wheel stops. (P)
- 34. Parking lot landscaping shall demonstrate achieving a minimum 50 percent shading requirement within fifteen (15) years of planting. Tree coverage shall be determined by the approximate crown diameter of each tree at 15 years as estimated on the approved tree list. Trees shall be a minimum of fifteen (15) gallon size at planting. (P)
- 35. All landscaping shall be installed within planters bounded by a curb at least six (6) inches high accept adjacent to sidewalks, property lines or fences. No planter shall be smaller than twenty-five (25) square feet, excluding curbing. Each planter shall include an irrigation system. (P)
- 36. All landscaped areas shall be designed so that plant materials, at maturity, are protected from vehicle damage or encroachment and a minimum of three (3) feet from the back of the curb or wheel stop where vehicle overhang is permitted. (P)

37. Not more than twenty-five (25) percent of the planter or landscaped area may be covered with hard surfaces such as gravel, landscaping rock, artificial turf, concrete or other impervious material. (P)
38. Varied tree and plant species shall be used throughout the parking lot. No one species shall comprise more than seventy-five (75) percent of the plantings within each of the following categories: shade tree, screen tree, shrub. (P)
39. Open lots and access thereto for use by the general public shall have one foot-candle of light on the entire paved area from dusk to the end of business. All exterior doors during hours of darkness shall have one foot-candle of light. (P)
40. Trash collection points and loading areas shall be screened from view from adjacent streets or highways by decorative walls or dense landscaping. Such screening shall be maintained in good condition by the property owner. Exterior trash containment areas shall be depicted on any building permit application site plan. (P)
41. Any onsite retention basin(s) shall be fenced or otherwise protected from vehicle traffic and not used for any other purpose. (P)
42. All signing of the property shall comply with the requirements of the Zoning Code. (P)
43. Any abandoned on-site sewage systems and individual water supply wells shall be destroyed in accordance with Sutter County Environmental Health regulations. Sutter County Environmental Health permits shall be obtained prior to the commencement of this work. (EH)

Ongoing and Advisory Conditions

44. A Hazardous Materials Business Plan shall be implemented to the satisfaction of the Certified Unified Program Agency (CUPA) covering hazardous materials at or above 55 gallons of a liquid, 500 pounds of solids, or 200 cubic feet of compressed gas. (EH) (MM)
45. All plant materials shall be maintained by property owners to be free from physical damage or injury arising from lack of water, chemical damage, insects and diseases. Plant materials showing such damage shall be replaced by the same or similar species, or trees from the list of trees. Planting areas shall be kept free from weeds, debris, and undesirable materials which may be detrimental to safety, drainage or appearance. (P)
46. The site shall be maintained in a neat and orderly fashion, free of debris, salvage materials, and equipment. (P)
47. Any relocation or rearrangement of any existing PG&E facilities to accommodate this project will be at the developers/applicants expense. There shall be no

- building of structures, or the storage of any materials allowed under or over any of our facilities or inside any PG&E easements that exist which infringe on PG&E's easement rights. (PG&E)
48. Any outdoor storage area(s) shall be screened to a height of 6-feet by a solid fence in accordance with the County's Design Guidelines. Materials stored shall not be stacked to a height greater than 6-feet and shall not be visible from any public right of way. (P)
 49. All required parking facilities including striping and handicapped parking areas shall be maintained, and kept free of litter and debris. (P)
 50. The owner/operator shall mow or disc any future retention pond(s), once in the spring and once in the fall, to minimize mosquito breeding habitat. (P)
 51. All costs associated with mosquito control for the stormwater retention pond shall be the responsibility of the deeded landowner of the site. (P)
 52. If an individual septic system generates over 5,000 gal/day of effluent, permits shall be obtained from the Regional Water Quality control Board. (EH)
 53. If there will be more than 25 employees the applicant shall install and obtain a permit to operate a public water system from the California State Department of Health Services, Division of Drinking Water & Environmental Management. (EH)
 54. The discharge of fuels, oils, other petroleum products, chemicals, or hazardous materials, into the on-site sewage disposal system is prohibited. (EH)
 55. All structures producing wastewater shall connect to the public sewer system when it is available, per the Uniform Plumbing Code (UPC). (EH)
 56. All activities and use must comply with State and County laws and regulations pertaining to the handling and disposal of all hazardous or acutely hazardous materials. (EH)
 57. Hours of operation for all uses shall only occur from 6am to 10pm Monday through Saturday. This requirement may be modified by staff upon approval of a noise analysis demonstrating that alternate mitigation is more effective at mitigating noise impacts. (P) (MM)
 58. All truck terminal operations including access ways and encroachments off of Carlson Road shall be setback a minimum of 200-feet from the north property line of the project site. This requirement may be modified by staff upon approval of a noise analysis demonstrating that alternate mitigation is more effective at mitigating noise impacts. (P) (MM)
 59. Any structure proposed to serve truck terminal operations shall first be established as close as feasible to the northern boundary of the truck terminal

area as a setback pursuant with Mitigation Measure 10 to provide a structural buffer between idling trucks and the existing home located at 5119 Carlson Road immediately north of the project site. This requirement may be modified by staff upon approval of a noise analysis demonstrating that alternate mitigation is more effective at mitigating noise impacts. (P) (MM)

60. Any structures to be established in the two 1-acre development areas located along the northern property line, as depicted on the project development plan, shall be designed so access points, parking areas and building entrances or openings occur on the south side of proposed buildings away from the home located at 5119 Carlson Road. This requirement may be modified by staff upon approval of a noise analysis demonstrating that alternate mitigation is more effective at mitigating noise impacts. (P) (MM)
61. Commercial trucking operations shall not utilize Hutchinson Road as a means of access to State Highway 99 unless improvements are made to this intersection, to the satisfaction of the Public Works Department, that will safely allow commercial truck traffic generated by this project to avoid “off-tracking” of the rear wheels from the roadway and allow commercial truck traffic to navigate this intersection without driving into the opposing lane of traffic. (P) (MM)
62. Prior to the expansion of existing impervious and semi-impervious areas, the applicant must provide both 10-year and 100-year (24-hour) analyses (hydrologic and hydraulic calculations) that at a minimum demonstrate that post-development flows do not exceed pre-development flows. The calculations need to be stamped by a California Registered Civil Engineer. If the drainage design includes on-site basins to reduce peak flows, County standards (Design Standards 5-9[B]) require hydrograph methods be used for design. (PW)
63. The applicant shall submit and obtain County approval of plans and specifications for the construction of public improvements in the County Right-of-Way. Improvements and encroachments shall be designed to meet the County of Sutter Improvement/Design Standards and County ordinances in effect at the time of plan approval. Plans shall be reviewed and approved by the County using the Improvement Plan permit or Encroachment Permit process as appropriate. (PW)

Acronyms

(P)	Planning Division
(EH)	Environmental Health Division
(PW)	Public Works Department
(BD)	Building Division
(PG&E)	Pacific Gas and Electric Company
(FRAQMD)	Feather River Air Quality Management District
(FS)	Fire Services Division
(MM)	Mitigation Measure agreed to by the applicant